

TOWN OF RICHLAND
H. DOUGLAS BARCLAY COURTHOUSE
1 BRIDGE STREET
PULASKI, NY 13142

August 17, 2016

The Town of Richland Planning Board held a meeting at the H. Douglas Barclay Courthouse on Wednesday August 17, 2016. Planning Board members present were Chairman Joe McGrath, Brian Leary, Dave Shipway, Melvin Minot, Ron Novak and Jon Goodsell. Town Board members present were Deputy Supervisor Kern Yerdon, Alan Goodsell and Sue Haynes. Also present were CEO/ZEO J. Howland, 5 members from the public.

Chairman McGrath opened the Town of Richland Planning Board meeting at 7:35 PM.

First order of business was a discussion on a fish cleaning station owned by Joe Gowran located at 4589 State Route 13. CEO Howland gave a report about a verbal complaint that was reported by neighbor Joe Benesch about the operation of the fish cleaning station. Mr. Benesch complained to Councilman Yerdon about the foul odor of fish smell on June 28th. Mr. Yerdon did an inspection at the fish cleaning station and found an open barrel of fish carcasses next to the property line fence. However a written complaint dated June 28, 2016 was not submitted to CEO Howland until August 15, 2016. CEO Howland and Mr. Yerdon did the required annual inspection on June 29th. Mr. Yerdon requested that a few changes be made to take care of the smell. The conditions were as follows:

1. Put sealed covers on barrels.
2. Build a roof over barrels to keep them out of the sun and heat.
3. Take guts to landfill more often when there are hot days.

Mr. Gowran agreed to these conditions. According to CEO Howland the only violation found at the time of the annual inspection was that the containers did not have sealable lids as required by the Towns local law for fish cleaning stations. On a follow up inspection conducted on July 8th the property was found to be in compliance of the Towns fish cleaning law. Because Mr. Yerdon received another verbal complaint about the fish cleaning station and conducted an inspection at the fish cleaning station CEO Howland was directed by Supervisor Krupke to tell Mr. Gowran to cease cleaning fish until the Planning Board can review their application and complaints at their August 17th meeting. Mr. Gowran went to the Town Board meeting on August 9th. The Town Board at that time allowed Mr. Gowran approval to resume cleaning fish but was still required to attend the Planning Board meeting on the 17th. Mr. Gowran came to the August 17th Planning Board meeting. Councilman Yerdon addressed the board on behalf of the Town Board. He said he did not want to close down the fish cleaning station but requests that they stay in compliance with the requirements of operation a fish cleaning station. Mr. Gowran addressed the board and stated that he would stay within the requirements of the law and abide to any of the conditions that the Planning Board requires. Planning Board member Novak spoke about the way that the law reads is that there needs to be a violation notice issued prior to the Planning Board taking any action. At this time no

violation notice had been sent to Mr. Gowran. Chairman McGrath spoke about the procedures for violations in the fish cleaning local law. After discussion the following motion was made for the fish cleaning station conditions:

1. Keep barrels between the store and fish cleaning station.
2. Use steel barrels with locking ring covers.
3. Keep barrels on trailer with canopy cover.
4. CEO Howland will conduct unannounced inspections.

Motion McGrath 2nd Leary. All board members in favor.

Next on the agenda is special permit application #16-19 submitted by Deborah Smith to operate a retail store at 203 Co. Rt. 41A. The public hearing was held on June 15th and tabled until July 20th and August 17th. CEO Howland brought Chairman McGrath up to date on the application since he had missed the previous 2 meetings. CEO Howland gave the board a letter from engineer Mike Lasell in regards to the parking situation for the business. Mr. Novak spoke about his concerns about the parking issues and the condition of the building. Mr. Leary states that he does not like the way the setup is and the looks of some of the merchandise being sold. Mr. Minot passed out a letter about his opinions of the building and feels the application should be approved with some conditions in place. Owner Deborah Smith spoke and said that she is only a little mom and pop shop and that most of her business is locals. She stated that the inside of her building is not used for sales. Neighbor Alan Goodsell showed the board pictures of how some of the parking has been. He is not opposed to the business as long as ample parking can be provided and that there is no outside display of merchandise for sale. After much discussion a motion was made by Mr. Minot and 2nd by Mr. Leary to approve the special permit application and waive the parking requirements to 3 parking spaces. Roll call vote. Leary Yes. McGrath Yes. Novak No. Feels that the application does not comply with the many sections in the zoning law. Minot Yes. Shipway Yes. The special permit passed with the following conditions:

1. No display of merchandise in the parking lot area. Only displayed inside of building and on front porch area.
2. Provide the board with an updated site plan showing 3 parking spots in front of building.
3. Bring property into compliance by August 31, 2016.
4. Special Permit issued on September 1, 2016 and expires on August 31, 2018. At that time the application will be reviewed again.
5. Sign on building only sign allowed to be displayed.

Motion Leary and 2nd by Minot to table the vote on approval of the site plan until a new site plan showing 3 modified parking spots are provided. All members in favor.

Next on the agenda was discussion on Solar Panels. The Town Board passed the 6 month moratorium at their August 9th meeting. The planning board's position is that they would like a local law adopted now and then incorporate it into the zoning regulations when they are redone. The discussion was 3 types of solar panels. Panels for residential roof mount application will stay the same as is now which only requires a building permit and not a zoning permit. The second two kinds of solar panels are a residential ground mount

system and a commercial ground mount system. The board would like to see both of the ground mount systems to be approved by special permit. To get approval the board would require that the applicant will meet all 5 conditions as per section 313 of the zoning law regulating approvals for special permits. The board would also like that there are no solar panels located in the front yard of homes. Panels would be required to be behind the home.

The minutes from the July meeting were not available for review.

Motion Shipway 2nd Minot to adjourn. All in favor

Next meeting is September 21, 2016

J. Howland
Acting Secretary